IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Killian et al   Art Unit: 2177

Serial No.: 09/713,432   Confirmation No.: 3221

Filed: November 15, 2000   Examiner: Luke S. Wassum

                                     Docket: TI-26605

For: APPARATUS AND METHOD TO FACILITATE THE CUSTOMIZATION OF
     TELEVISION CONTENT WITH SUPPLEMENTAL DATA

Appeal Brief under 37 C.F.R. §41.37

Board of Patent Appeals and Interferences

United States Patent and Trademark Office

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

     This is Appellant's Appeal Brief filed pursuant to 37 C.F.R. §41.37 and the Notice of Appeal filed February 22, 2005 and further in response to the NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF of May 9, 2006. The NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF of May 9, 2006 stated that the Appeal Brief filed April 17, 2006 did not include a concise explanation of the claimed subject matter with reference to the specification by page and line number and to the drawings.

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Real Party in Interest

The real party in interest in this application is Texas Instruments Incorporated, a corporation of Delaware with its principle place of business in Dallas, Texas. An assignme nt to Texas Instruments Incorporated is recorded at reel 011343 and frames 0828 to 0830.

Related Appeals and Interferences

There are no appeals or interferences related to this appeal in this application.

Status of the Claims

Claims 1 to 10 and 16 to 19 are rejected and subject to this appeal. No claims are allowed or objected to. Claims 11 to 15, 20 and 21 are canceled.

Status of Amendments Filed After Final Rejection

No amendments to the claims were proposed following the FINAL REJECTION of September 22, 2004.

Summary of Claimed Subject Matter

Independent claims 1 and 6 are apparatus and the method practiced by the apparatus. The object of this invention is customizing television content from TV signals from a television service provider and supplemental data from a supplemental data database. Apparatus claim 1 includes a television tuner/decoder that receives television signals from the television service provider (24, page 7, lines 9 and 10, page 8, lines 9 to 11). The viewer selects one television signal via an input device (42, page 8, lines 4 to 6 and lines 12 and 13) . A supplemental data extractor extracts supplemental data from the television service provider display component database (28, page 7, lines 12 to 17, page 8, lines 14 to 16) . A profile database store s a viewer profile (74, page 10, lines 14 to 17, page 8, line 24 to page 9, line 1, page 9, lines 19 to 21, page 13, lines 17 to 20.) A filter

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module (76, page 3, lines 11 to 15, page 12, lines 1 to 5, page 12, line 22 to page 13, line 13, page 13, line 25 to page 14, line 2) selects a preferred display component according to the selected television signal, the viewer profile and the supplemental data. This preferred display component consists of supplemental data selected accord ing to the viewer profile from among plural supplemental data corresponding to the selected television signal. The selected supplemental data targets a particular viewer relative to other viewers . This preferred display is integrated for combined display (32, page 7, lines 10 to 12, page 7, lines 20 and 21, page 8, line 22 to page 9, line 2) via a display device.

Method claim 6 stores a viewer profile in a profile data base (202, page 13, lines 17 to 20). The method receives plural television signals (24, page 7, lines 9 and 10, page 8, lines 9 to 11). The user selects one of the plural television signals (206, page 13, lines 21 to 24). The method receives supplemental data (28, page 7, lines 12 to 17, page 8, lines 14 to 16). The method accesses the viewer profile and supplemental data (208, page 13, line 25 to page 14, line 2). The method selects a display component including the television signal selected by the user and the supplemental data selected according to the user profile (210, page 14, li nes 2 to 3). The selected television signal and supplemental data are integrated into a display for the user (212, page 14, lines 3 and 4).

Grounds for Rejection to be Reviewed on Appeal

Claims 1, 2, 5, 6, 8 and 16 -19 were rejected under 35 U.S.C 103(a) as made obvious by the combination of Sezan et al (U.S. Patent No. 6,236,395) and Banker et al (U.S. Patent No. 5,485,221).

The FINAL REJECTION states that Sezan et al teaches an apparatus for customizing television content which runs on a computing plaform coupled to a receiver and display device (claim 1) and the functional method associated with an apparatus for customizing television content (claim 6). The FINAL REJECTION states Sezan et al teaches the filter module of claim 1 and the step of selecting a preferred

display component of claim 6 at: column 3, lines 48–59; column 9, lines 48–52; and column 10, lines 31–37. The FINAL REJECTION states that Sezan et al does not explicitly teach the supplemental data extractor operable to receive plural sup plemental data from the television signal provider, or the overlay which integrates the decoded television signal and the preferred display component into a combined display nor the similar method limitations of claim 6 The FINAL REJECTION states that it would be obvious to combine the teaching of Banker et al at column 3, lines 30-47 and lines 57-65 and column 5, lines 1–9 to overlay a decoded television signal and the preferred display component for combined display.

Arguments

<u>Claims 1, 2, 5, 6, 8 and 16 to 19</u>

Claims 1, 2, 5, 6, 8 and 16 to 19 were rejected under 35 U.S.C. 103(a) as made obvious by the combination of Sezan et al., U.S. Patent No. 6,236,395 and Banker et al. U.S. Patent No. 5,485,221.

Claims 1 and 6 recite subject matter not made obvious by the combination of Sezan et al and Banker et al. Claim 1 recites a filter module "operable to access the viewer profile and the supplement data and, in response, to select a preferred display component according to the one television signal select ed by the viewer via said input device, the viewer profile and the supplemental data, the preferred display component consisting of supplemental data selected by said filter module according to the viewer profile from among plural supplemental data corresponding to the one television signal selected by the viewer." Claim 6 similarly recites "selecting a preferred display component in accordance with the one television signal selected by the viewer, the viewer profile and supplemental data, the preferred di splay component consisting of supplemental data selected by said filter module according to the viewer profile from among plural supplemental data corresponding to the one television signal selected by the viewer." Thus claims 1 and 6 recite viewer selection of the television signal and filter module selection of corresponding supplemental data based upon both the selected television signal and the user profile. Claims 1 and 6 also recite that this selection of the supplemental data is from plural supplemental data corresponding to the selected television signal. The teachings of Sezan et al and Banker et al fail to make obvious the claimed combination of user selection and filter module selection based on the user profile.

Sezan et al discloses automati cally selecting and storing received television signals selected according to a user profile for later replay. Banker et al discloses user selection of a

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virtual channel including both the video and text data which are assembled by the cable head end. Banker et al states at column 4, lines 52 to 67:

> "When a selector selects the virtual channel defined in memory, a tuner tunes to the channel of the broadband video signal that the composite video signal occupies as determined from the mapping in memory. Accordingly, the composite video signal may be applied to processing circuitry. In the processing circuitry, the text data stream corresponding to the selected virtual channel can be extracted. The extracted text data stream and the composite video signal ar   e then supplied to an on –screen display control which produces a video output display signal therefrom. When applied to a standard television receiver, the video output display signal produces a picture having both text information from the extracted data stream and video information from the portion of the composite video signal corresponding to the video program defined by the virtual channel."

This portion of Banker et al makes clear that the correspondence between the video and "the text data stream co rresponding to the selected virtual channel" is fixed at the transmitter and not selected according to a profile based upon the user television signal selection. Banker et al discloses that the user may select one of these fixed combinations but does not teach that the text data (supplemental data) selected for a particular video is made according to a profile. A combination of Sezan et al and Banker et al would select both the television signal the corresponding supplemental data based on the viewer profile. In contrast, claims 1 and 6 recite viewer selection of the television signal and automatic selection of supplemental data is according to the selected television signal and the viewer profile. The Applicants respectfully submit that the combination of Sezan et al and Banker et al fail to make obvious the selection of the television signal and the supplemental data by differing agents as recited in claims 1 and 6. Accordingly, claims 1 and 6 are allowable over the combination of Sezan et al and Banker et al.

In paragraph 26 of the FINAL REJECTION, the Examiner takes issue with the Applicants' argument that the correspondence between

the video and text data is fixed upon user selection of the virtual
channel in Banker et al. The Examiner then cites p   ortions of
Banker et al that do not contradict the Applicants' argument.
Instead the FINAL REJECTION states at page 17, lines 20 to 22:

> "These teachings clearly illustrate the fact that the
> user has the capability to select from among many text streams
> (analogous to the claimed supplemental data) at the user
> terminal and apply them to a video signal."

The Applicants dispute that Banker et al teaches that the video and
text streams can be selected independently. Banker et al teaches
user selection of vi rtual channels, with each virtual channel
having a video signal and a fixed corresponding text stream.
Banker et al states at column 4, lines 4 to 8 (cited by the
Examiner):

> "The subscriber terminal includes a selector for
> selecting a virtual channel ad a control signal generator for
> generating tuning control signals, text extraction signals and
> video program control signals corresponding to the selected
> virtual channel."

This clearly states that the video and text both correspond "to the
selected virtual channel." Banker et al stated at column 4, lines
29 to 32 (within a section cited by the Examiner):

> "Consequently, from a single channel of the broadband
> television signal, several multi-service virtual channels may
> defined, each having a different c ombination of video and
> text."

This clearly states that the virtual channel selection selects a
combination of video and text. Banker et al gives several examples
of combinations of video and text selected by user selection of a
virtual channel. Banker et al states at column 15, lines 58 and 59:

> "FIG. 4A illustrates the display obtained from a virtual
> channel composed of video #1 and text stream #3."

Banker et al states at column 16, lines 7 to 10:

> "FIG. 4B illustrates the display obtained from a virtual
> channel composed of video #3 and text #1. FIG. 4C illustrates
> the display obtained from a virtual channel composed of video
> #4 and text stream #2."

These examples make clear that user selection of a virtual channel
in Banker et al selects a video and a corresponding text stream.
Thus the user is never able to select a text stream independently
from the video. Applying the user profile selection taught in
Sezan et al would result in selection using a viewer profile of a
virtual channel combination of video and the corresponding text as
taught in Banker et al. This combination does not make the obvious
recitations of claims 1 and 6.

Even if the teachings of Banker et al make obvious independent
selection of video and text, the combination of Sezan et al and
Banker et al fails to make obvious claims 1 and 6. Claims 1 and 6
each recite that the supplemental data selection is made "from
among plural supplemental data corresponding to the one television
signal selected by the viewer." Sezan et al fails to teach any
combination of video and text. The Examiner urges that Banker et
al teaches independent user selection of video and text. The
combination of Sezan et al and Banker et al would thus make obvious
user profile selection of both the video and the supplemental data
or text. These references in combination thus fail to make obvious
that the supplemental data selection is dependent upon the user's
television signal selection and the user profile as recited in
claims 1 and 6.

Claims 2 to 5, 7 to 10 and 16 to 19 include no subject matter
providing independent basis for allowance. Claims 2 to 5, 7 to 10
and 16 to 19 are allowable by dependency upon allowable base
claims.

If the Examiner has any questions or other correspondence regarding this application, Applicants request that the Examiner contact Applicants' attorney at the below listed telephone number and address to facilitate prosecution.

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1   1.   An apparatus for customizing television content operable to
2   run on a computing platform electrically coupled to a rec   eiver
3   which is electrically coupled to a display device, the apparatus
4   operable to receive supplemental data from a supplemental data
5   database maintained by a television service provider, the apparatus
6   comprising:
7   a television tuner/decoder operable to re   ceive television
8   signals from the television service provider and decode the
9   received television signal;
10   an input device operable with said television tuner/decoder
11   enabling a viewer to select for viewing one television signal
12   received by said television tuner/decoder;
13   a supplemental data extractor operable to receive supplemental
14   data from the television service provider;
15   a profile database operable to store a viewer profile;
16   a filter module electrically coupled to said profile database
17   and to the supplemental data extractor, said filter module operable
18   to access the viewer profile and the supplement data and, in
19   response, to select a preferred display component according to the
20   one television signal selected by the viewer via said input device,
21   the viewer profile and the supplemental data, the preferred display
22   component consisting of supplemental data selected by said filter
23   module according to the viewer profile from among plural
24   supplemental data corresponding to the one television signal
25   selected by the viewer operable to target a particular viewer
26   relative to other viewers by supplementing television content; and
27   an overlay disposed proximate to the display device and remote
28   from the television service provider, said overlay coupled to said
29   television tuner/decoder and to said filter module to substantially
30   simultaneously receive the decoded television signal and the
31   preferred display component, said overlay operable to integrate

32 said decoded television signal and said preferred display component
33 for combined display via a display device.

1   2.   The apparatus of Claim 1, further comprising a profile module
2   operable to receive viewer demographic information and, in
3   response, to generate the viewer profile.

1   3.   The apparatus of Claim 2, wherein said pro   file module is
2   operable to provide a demographic template to the viewer for
3   receiving the viewer demographic information.

1   4.   The apparatus of Claim 1, wherein the viewer profile contains
2   demographic categories corresponding to input options comprising:
3   an age option;
4   a race option;
5   a gender option;
6   a marital status option;
7   an educational level option;
8   a sexual preference option; and
9   an income level option.

1   5.   The apparatus of Claim 1, wherein the filter module comprises
2   a selection algorithm oper   able to select a preferred display
3   component according to the viewer profile and the supplemental
4   data.

1   6.   A method performed on a computing platform that is associated
2   with a display device and a receiver for providing functionality
3   associated with an apparatus for customizing television content,
4   the method comprising:
5   storing a viewer profile in a profile database;
6   receiving a plurality of television signals from a television
7   signal provider;
8   receiving a viewer selection of one of the plurality of
9   television signals;

10   receiving supplemental data from a display component database;

11   accessing the viewer profile in the profile database and the

12 supplemental data;

13   selecting a preferred display component in accordance with the

14 one television signal selected by the viewer, the viewer profile

15 and supplemental data, the preferred display component consisting

16 of supplemental data selected by said filter module according to

17 the viewer profile from among plural supplemental data

18 corresponding to the one television signal selected by the viewer

19 operable to target a particular viewer relative to other viewers;

20 and

21   integrating at a location proximate to the display device and

22 remote from the television service provider the one television

23 signal and the preferred display component for combined display to

24 a viewer.

 1 7.   The method of Claim 6, wherein:

 2   said step of selecting a preferred display component in

 3 accordance with the viewer profile and supplemental data includes

 4   transmitting an abbreviated reference associated with a

 5   specific display component to the viewer from the television

 6   service provider;

 7   automatically selecting an abbreviated reference via the

 8   computing platform at a viewer location in accordance with the

 9   viewer profile;

10   requesting at the viewer loca tion a preferred display

11   component associated with the abbreviated reference from the

12   television service provider; and

13   transmitting the preferred display component from the

14   television service provider to the viewer location.

 1 8.   The method of Claim 6, further comprising the steps of:

 2   receiving viewer demographic information; and

 3   generating the viewer profile according to the viewer

 4 demographic information.

9.   The method of Claim 8, further comprising the step of
providing a demographic template to the   viewer to receive the
viewer demographic information.

10. The method of Claim 6, wherein the viewer profile contains
demographic categories corresponding to input options comprising:
     an age option;
     a race option;
     a gender option;
     a marital status option;
     an educational level option;
     a sexual preference option; and,
     income level.

16. The apparatus of claim 1, wherein:
     said overlay operate to integrate said decoded television
signal and said preferred display component for display via a
display device by displaying said decoded television signal in a
first display area and said preferred display component in a second
display area.

17. The apparatus of claim 1, wherein:
     said supplemental data extractor is coupled to said television
tuner/decoder to extract said supplemental data from said decoded
television signal.

18. The method of claim 6, wherein:
     said step of integrating the received television signal and
the preferred display component for display displays the decoded
television signal in a first display area and the preferred display
component in a second display area.

19. The method of claim 6, wherein:

2   said step of receiving supplemental data from a display
3 component database extracts the supplemental data from the
4 television signal.

EVIDENCE

None.

RELATED PROCEEDINGS

There are no court decisions or Board decisions relating to this appeal in this application.